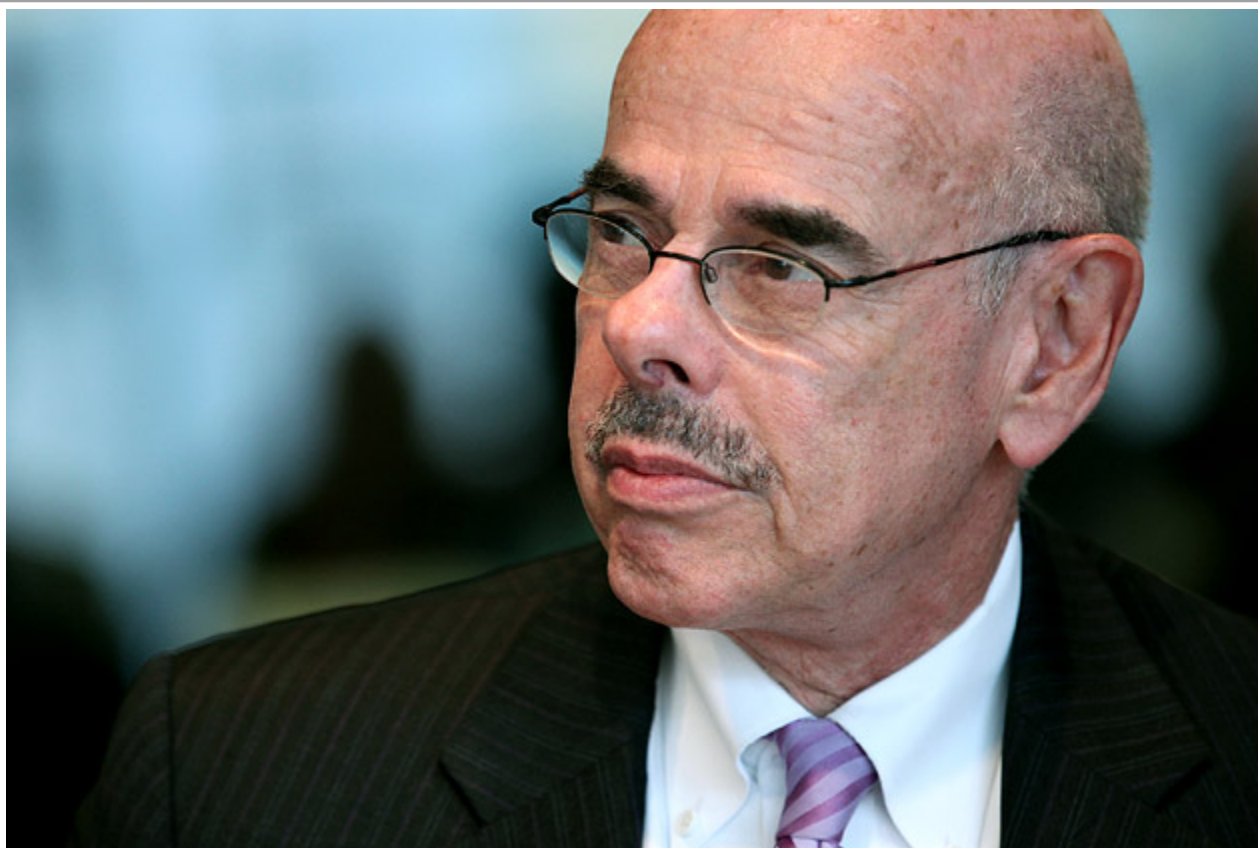


Politics & Policy

Henry Waxman Is Leaving Congress but Leaving Behind His Playbook

By [Joshua Green](#) January 30, 2014



Photograph by Julia Schmalz/Bloomberg. Representative Henry Waxman in Washington on July 9, 2013.

If there's an iconic image in the American psyche of congressional integrity—of a moment when lawmakers weren't despised, but viewed as valuable public servants—it probably came on April 14, 1994, when the heads of the seven major tobacco companies stood before Congress with their right hands raised preparing to testify. This produced the [famous shot of the “Seven Dwarves,”](#) as they became known, whose subsequent testimony that [tobacco wasn't addictive](#) was so outrageous and unbelievable that the hearing assumed a place in popular mythology and became the turning point in the decades-long war on tobacco. Democratic Representative Henry Waxman of California, who orchestrated the hearing and grilled the witnesses, [announced this morning](#) that he

won't seek reelection, which will soon bring an end to a four-decade congressional career of unparalleled achievement.



Photograph by John Duricka/AP Photo: Heads of the nation's largest cigarette companies are sworn in before a House Energy subcommittee hearing on Capitol Hill on April 14, 1994.

Waxman, 74, was first elected to the House of Representatives in 1974 as part of the reform-minded wave of “Watergate Babies” swept into office in response to Richard Nixon’s malfeasance. “We were elected right after the Vietnam War,” Waxman said Wednesday night, “and felt the Nixon administration had become an imperial presidency and changed the balance between the executive and legislative branch. We were part of a reform movement that had already started, but we added impetus to it.” At the time, Waxman says, he hoped to serve 20 years and work on health-care legislation, as he had done previously in the California legislature. He lasted 40 years, and the laws he’s responsible for are a catalog of Congress’s major achievements during that span: the Clean Air Act Amendments, the first major HIV/AIDS legislation, the Affordable Care Act, and a raft of tobacco, food safety, and nutrition-labeling laws.

But he was probably more famous, and no less influential, for chairing aggressive, high-profile oversight hearings that ensnared not just duplicitous tobacco executives, but also Major League Baseball players, Wall Street titans, and even Alan Greenspan, who [partially recanted](#) his free-market views under questioning from Waxman after the financial crisis. Waxman’s career is so packed with accomplishments that a booklet compiling them sent out by his staff runs to nearly 40 pages. (Bias declared: I helped [write the long version](#).)

The scope of Waxman’s landmark achievements (most of them bipartisan) stands in sharp contrast to the sclerotic Congress and shrunken ambition on display in Tuesday’s State of the Union address. But his career also illustrates that major legislation usually takes years, or even decades, to pass; that the long view, while dissatisfying in the age of Twitter ([TWTR](#)), is the right one to adopt; and that the most significant laws often emerge from the direst circumstances against what appear to be overwhelming partisan odds.

The most important environmental legislation of the last 30 years, the Clean Air Act, had its origins in the regulatory assault launched by Ronald Reagan and Democratic Representative John Dingell of Michigan in the early 1980s. Waxman and his allies narrowly fended off an effort to weaken controls on auto pollution and nearly every source of industrial emissions. Gradually, through hearings on the effects of acid rain, and after environmental disasters such as the deadly 1984 Union Carbide pesticide leak and the 1989 Exxon Valdez oil

spill, they gained the upper hand. Public opinion was nudged along by intermediate laws like one measuring and publicizing airborne toxins, and was strong enough by 1990 that another Republican president, George H.W. Bush, felt compelled to sign the act into law.

The fight to regulate tobacco took even longer. Waxman held his first subcommittee hearings in the 1970s, had the pivotal hearing with the tobacco executives in 1994, and finally won FDA regulation of tobacco in legislation signed by President Obama in 2009.

Anyone despondent over Tea Party extremism and the limitations it imposes should take comfort in knowing that the [challenge of addressing the HIV/AIDS crisis](#) was even steeper. Republican animus against gays was so intense in the 1980s that members of Congress proposed creating registries of gay men and quarantining them on a South Pacific island. Some read graphic descriptions of gay sex into the *Congressional Record*. Another, Republican Representative Dan Burton of Indiana, insisted on bringing his own scissors to the House barber for fear of catching AIDS. And Reagan himself refused to utter the term until 1986. Waxman nonetheless found allies, such as Reagan's surgeon general, C. Everett Koop, and creative ways to advance legislation—by, for instance, naming it after a 13-year-old hemophiliac who had contracted the virus, Ryan White, and thereby securing the critical vote of White's home-state senator.

That Waxman's most productive years occurred while the White House was controlled by the opposing party makes his example all the more notable today. It's astonishing that Republicans don't study him and emulate his methods. Those methods are essentially the opposite of the ones that lawmakers such as Ted Cruz have employed—the refusal to compromise, the sweeping attempt to impose an entire agenda immediately through force. “You have to be willing to be at it, look for compromises, build coalitions, and get public opinion behind you so you can finally get to the point when legislation can be passed,” Waxman said.

Waxman's deepest impact may not be the landmark laws he's famous for, but the collective effect of the dozens, and possibly hundreds, of smaller victories amassed throughout his career—the incremental expansion of Medicaid throughout the 1980s and '90s, an unheralded law to develop treatments for rare diseases that was [won with the help of an unlikely Hollywood ally](#), and countless more.

It's tempting to attribute Waxman's retirement to the increased partisanship and long odds of Democrats winning back the House. But he says he hasn't grown discouraged and pointed to two laws passed last year as evidence that positive achievement is still possible—the major reform of spectrum laws and another measure, spurred by a deadly meningitis outbreak, that clarifies the FDA's authority to track drugs through the supply chain in case there's a recall.

One of Waxman's few regrets is that the 2009 climate bill he co-authored with former Representative Ed Markey never made it through the Senate and into law. But in an apt twist that Obama alluded to on Tuesday night, carbon emissions will instead likely be regulated under authority granted by the Clean Air Act. “The president has made this a priority and told the EPA, ‘I want you to regulate the coal-burning power plants, both the new ones and the existing ones,’” Waxman said.

Waxman's retirement, along with that of his California colleague, Representative George Miller, means that the last of the continuously serving Watergate babies will soon leave the House. While that will leave a void, Waxman also leaves behind a playbook for how to operate in Congress.

“People are shocked when I say I'm leaving,” he says. “Then they're shocked when I tell them I've been here 40 years. Then they're shocked when I tell them I feel useful and healthy and ready to do something else. But I think now is the time to do it and have a life after Congress.”